



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC MUNICIPAL CLERK April 29, 2004

55 TRINITY AVENUE, S.W. SECOND FLOOR, EAST SUITE 2700 ATLANTA, GEORGIA 30335 (404) 330-6033 FAX (404) 658-6103

John M. Foy Attorney at Law 1720 Peachtree St., NW Suite 929 Atlanta, GA 30309

04-R-0549

RE: Njama Hunter

Dear Attorney Foy:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on April 19, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400**.

Yours very truly,

Rhonda Dauphin Johnson, CMC

Municipal Clerk

cc: Claims Division/Law Department

Atlanta City Council

Regular Session

CONSENT I PG(S) 1-18, EXCEPT:04-R-0538 04-O-0487 04-R-0473 ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith Y Archibong Y Moore Y Mitchell Y Starnes NV Fauver Y Martin Y Norwood Y Young Y Shook Y Maddox Y Willis Y Winslow Y Muller Y Boazman NV Woolard

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. <u>03L0992</u>	Date: <u>March 5, 2004</u>
Claimant /Viatim NA IMA HUNTED	
Claimant / Victim NAJMA HUNTER BY: (Atty) John M. Foy	
Address: 1720 Peachtree Street, NW, S	Suite 929 Atlanta Georgia 30309
Subrogation: Claim for Property damage \$	Rodily Injury & Not Stated
Date of Notice: 11/14/03 Method: W	Iritten proper V Improper
Conforms to Notice: $O C G A 836-33-5$	Y Ante Litem (6 Mo.) Y
Date of Occurrence 05/27/03 Plant of Occurrence 05/27/03	Bodily Injury \$ Not Stated /ritten, proper X Improper X Ante Litem (6 Mo.) X ace: Spring Valley Apartments
Department	Bureau:
Employee involved	Disciplinary Action:
Employee involved	Disciplinary Action.
NATURE OF CLAIM: The claimant alleges that she	was injured when she fell at the above location. However, the
investigation determined that the City is not responsi	ble for any properties known as "Spring Valley Apartments".
The claimant's attorney has been advised of the above	ble for any properties known as Spring valies Apartments.
The claimant's attorney has been advised of the abov	<u>. </u>
INVESTIGATION:	
THE DESIGNATION OF THE PROPERTY OF THE PROPERT	
Statements: City employee Claimant	Others Oral
Pictures Diagrams Reports: Poli	ice Dept Report Other
Traffic citations issued: City Driver	Claimant Driver
Citation disposition: City Driver	Claimant Driver
Charles disposition. Only 211701	
BASIS OF RECOMMENDATION:	
Function: Governmental	Ministerial
Improper Notice More than Six Months	Ministerial Other Damages reasonable
City not involved X Offer reig	ectedCompromise settlement
Repair/replacement by Ins. Co.	Repair/replacement by City Forces
Claimant Negligent City Negligent	Repair/replacement by City Forces
	Respectfully submitted,
	Summer Color
	INVESTIGATOR - DIANNE C. MITCHELL
RECOMMENDATION:	
Pay \$ Adverse X Acco	ount charged: 1A012J012H01 2P01
Claims Manager: Munchus	Concur/date <u>03/17/04</u>
Committee Action:	Council Action

FORM 23-61

FOY & ASSOCIATES

A PROFESSIONAL CORPORATION

ATTORNEYS & COUNSELORS AT LAW 1720 PEACHTREE STREET, N.W. **SUITE 929**

ATLANTA, GEORGIA 30309

0006 ABIRCORN STREET, SUHE 114 SAVANNAH, GEORGIA 31405

ENTERED - 12-30-03 - SB

03L0992 - DIANNE MITCHELL

TELEPHC NE (404) 873-4483 FACS MILE (404) 873-4493 WWW.JOENFCY.COM

Mitchie

November 4, 2003

VIA CERTIFIED MAIL

JOHN M. FOY

Z O HUMB ~ P

KENNETH T. LETSCH*

City of Atlanta Mayor Shirley Franklin 55 Trinity Avenue Atlanta, GA 30303

> **Notice of Claim** REE

> > Our Client: Najma Hunter City of Atlanta Negligent Party:

Date of Loss: 05/27/2003 Location: Spring Valley Apartments

Negligent Conduct

Unsafe Conditions Left leg fracture Injury:

Dear Mayor Franklin:

This letter shall provide notice to the City of Atlanta of a claim for damages in accordance with O.C.G.A. section 36-33-5. On or about 05/27/2003, our client, Najma Hunter. was severely injured when she fell down the stairs of a porch at the above referenced apartment building. She was unable to stop herself from falling because the porch had no handrails.

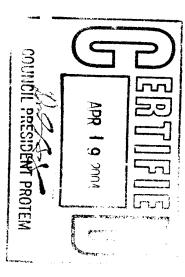
By this letter, we are requesting that this claim be submitted to the City of Atlanta governing authority for adjustment. Should you have any questions regarding this matter, please do not hesitate to call. Thank you for your time and attention to this matter.

Very truly yours.

Attorney at Law

04- // -0549

LTR 051:208195



Entered - 12/30/03 - sb CL03L0992 - DIANNE C. MITCHELL

CLAIM OF: NAJMA HUNTER,

through her attorney,

John M. Foy

1720 Peachtree Street, NW

Suite 929

Atlanta, Georgia 30309

04- /2-0549

For damages alleged to have been sustained as a result of personal injuries due to a fall on May 27, 2003 at the Spring Valley Apartments.



THIS ADVERSED REPORT IS APPROVED

BY:

JERRY L. DELOACH DEPUTY CITY ACTORNEY

ADVERSE REPORT

PUBLIC SAFTEY &

LEGAL ADMINISTRATION COMMITTEE

DATE:_

CHAIR: